

Docket No.: P65973US0
Serial No.: 09/672,829

REMARKS

The Office Action mailed February 13, 2003, has been carefully reviewed and by this Amendment, Applicants have amended claims 1, 3, 5-9, 11, 13 and 15, and added claims 16-20. Claims 1-20 are pending in the application. In view of the above amendments and the following remarks, favorable reconsideration in this application is respectfully requested.

On July 31, 2003, Applicants' representative was afforded the opportunity to discuss the pending claims relative to the prior art with Examiner Kapadia and his supervisor, SPE Joseph Thomas, during a personal interview at the U.S. Patent and Trademark Office. Applicants wish to express their appreciation to both Examiners for their time and cordiality in conducting the interview.

In the outstanding Office Action, Examiner Kapadia rejected claims 1 and 4 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,119,097 to Ibarra. Under 35 U.S.C. 103(a), the Examiner rejected claim 2 as being unpatentable over Ibarra, claims 3, 5 and 15 as being unpatentable over Ibarra in view of U.S. Patent No. 5,500,795 to Powers et al. ("Powers") and further in view of official notice, claims 6 and 7 as being unpatentable over Ibarra in view of U.S. Patent No. 5,909,669 to Havens, and claims 8-14 as being unpatentable over Ibarra and further in view of official notice.

As discussed during the Examiner's interview on July 31, 2003, the present invention is directed to a system that automatically captures employee performance measurement data and stores such data in a database configured according to set-up criteria determined by the user. The system includes information management functions that process the stored data according to the specified

configurations to generate employee performance data. Because the system is configured by the user, the system is very flexible and can be adapted to suit the particular requirements of any given organization, providing custom data-handling capability. With the ability to dynamically configure the system with the organization's employees and to custom-design objectives for these employees, the system provides a means for enabling incoming data to be manipulated in different ways through a configuration data dictionary function by which data dictionary items are created which define how the incoming performance measurement data is processed and displayed.

As set forth in amended claims 1 and 15, and supported in the specification at page 12, lines 4-13; page 17, line 21 through page 23, line 5, and Figures 4a through 4c; and on page 31 with reference to Figure 5, the data dictionary function includes menu means for creating a database field, defining formulas by which the database field is calculated, and establishing rules to determine how a result obtained for the database field is entered, displayed and calculated. More particularly, the user can create a data dictionary field, as shown in Figure 4a, defining such field with a written description, and specifying the hierarchical level to which the field applies as well as the measurement period from which data will be taken. The way in which the data dictionary field is calculated is then determined through the user's configuration of the formula to be used; the user is able to relate two fields with a selected operator to define a wide variety of parameters. Finally, by specifying the rules that will control how the data is presented, the user is able to tailor the resulting output for optimum value and effectiveness given the particular user's requirements in generating the data.

Docket No.: P65973US0
Serial No.: 09/672,829

In summary, using the data dictionary formulation capability, supervisors at various organization levels are able to structure the incoming data as appropriate to best suit their own specific needs so that the received measurement data is processed through the system for optimum benefit. As a result, very comprehensive and meaningful data is generated and presented in a versatile manner according to the user's requirements. A system having the power of these functions is not shown or suggested by the prior art.

Ibarra is directed to a system and method for improving employee performance through the identification of objective standards by which the employee can know whether his or her performance is adequate, and the employer can evaluate and quantify various performance parameters during employee assessment. There is no teaching or suggestion of the versatile manner by which, as claimed by the present invention, performance data automatically imported from an external system may be configured and thereafter manipulated according to a data dictionary formulation targeted to meet the needs of the particular organization and offering various data handling options to meet those needs. Powers is limited to a pre-structured organizational performance monitoring system and method and neither provides nor suggests per-employee set-up and customized performance management. Havens provides a system and method for evaluating workers who have a non-tangible output, but like Powers and Ibarra does not speak to the custom configuration and data manipulation capabilities possible with the present invention. Nor is there anything within these references that would suggest the full scope of the system of the present invention as currently claimed.

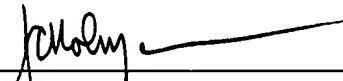
Docket No.: P65973US0
Serial No.: 09/672,829

Based upon the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and favorable reconsideration and allowance of claims 1 and 15 is requested. Claims 2-14 and new claims 16-20 are also in condition for allowance as claims properly dependent on an allowable base claim, and for the subject matter contained therein. Particularly with reference to new claims 16-20, the prior art does not teach or suggest a configuration data dictionary function having the specific data handling and manipulation capabilities set forth in these claims. Favorable consideration and allowance thereof is therefore requested.

Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: 
J. C. Holman
Reg. No. 22,769

400 Seventh Street, N. W.
Washington, D.C. 20004
Telephone: (202) 638-6666
Date: August 7, 2003
JCH:SCB:cwp
R:\SBAILEY\8-03\IP65973US.amd.doc